

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 11/13/15

Rio Tinto plc,

Plaintiff,

v.

Vale, S.A., Benjamin Steinmetz, BSG
Resources Limited, BSG Resources (Guinea)
Ltd. aka BSG Resources Guinée Ltd, BSGR
Guinea Ltd. BVI, BSG Resources Guinée
SARL aka BSG Resources (Guinea) SARL aka
VBG-Vale BSGR Guinea, Frederic Cilins,
Michael Noy, Avraham Lev Ran, Mamadie
Touré, and Mahmoud Thiam,

Defendants.

Civil Action No. 14-cv-3042 (RMB) (AJP)

**JOINT MOTION FOR ENTRY OF
AGREED AND ~~PROPOSED~~ ORDER
REGARDING PRODUCTION OF
DOCUMENTS**

This matter coming before the Court on Plaintiff Rio Tinto's and Defendant Mahmoud Thiam's joint motion for entry of agreed order regarding Google Inc.'s ("Google") production of certain communications, the Court FINDS and ORDERS as follows:

1. **Defendant Mahmoud Thiam** is the registered account holder and sole authorized user of a Gmail account with the address mahmoud.thiam@gmail.com ("Google Account").
2. **Defendant Mahmoud Thiam** consents to Google delivering and divulging the contents of his Google Account as described further below. The court finds that this consent is sufficient pursuant to the Stored Communications Act 18 U.S.C. § 2701 *et seq.*
3. Within three (3) days of the entry of this Order, counsel for Defendant Mahmoud Thiam will email a copy of this Order to the Google Account.
4. Within ten (10) days of the entry of this Order Defendant Mahmoud Thiam shall send an email message from the Google Account listed above to google-legal-

support@google.com with this Order attached ("Consent Email"). The Consent Email shall state that the user consents to Google's disclosure of the communications dated between June 30, 2008 and May 30, 2009 GMT/UTC associated with the Google Account which are in the Google Account, were recently deleted from the Google Account, or were preserved pursuant to the request(s) in this matter (the "Documents"). The Consent Email shall further state that the user consents to Google delivering the Documents to Caitlin C. Fahey, Sullivan and Worcester LLP, 1633 Broadway, New York, NY 10019 (email: cfahey@sandw.com).

5. Within ^{four (4)}~~ten (10)~~ days of the receipt of the Consent Email, Google shall write or otherwise record the Documents on a separate compact disc (CD) or other fixed medium and mail via overnight courier to: Caitlin C. Fahey, Sullivan and Worcester LLP, 1633 Broadway, New York, NY 10019 (email: cfahey@sandw.com).

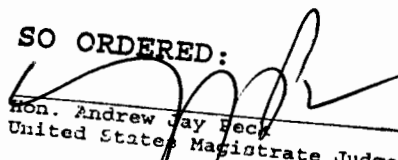
6. Google's production, as outlined in paragraph 5, will complete Google's discovery obligation in this matter.

DATED: November 12, 2015

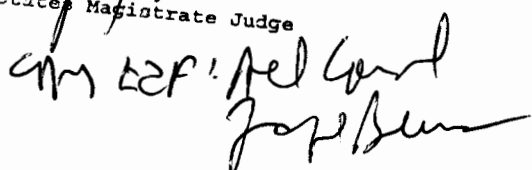
/s/ Eric C. Lyttle
Eric C. Lyttle
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
777 6th Street, 11th Floor
Washington, D.C. 20001
Tel: (202) 538-8000
Fax: (202) 538-8100
ericlyttle@quinnemanuel.com
Attorneys for Plaintiff Rio Tinto

/s/Paul E. Summit
Paul E. Summit
SULLIVAN & WORCESTER LLP
1633 Broadway
New York, NY 10019
Tel: (212) 660-3000
Fax: (212) 660-3001

SO ORDERED:


Hon. Andrew Jay Beck
United States Magistrate Judge

2
BY ECF


11/13/15
Hon. Andrew Jay Beck
United States Magistrate Judge